

No. _____

Board of Public Works COURT

Pontiac Place Company

VS.

City of Fort Wayne.

Remonstrance against
Declaratory Resolution
No. 296.

DEC 21 1914
FILED
DEC 21 1914

H. W. Benton

JOS. M. HALEY

FORT WAYNE, INDIANA

ATTORNEY FOR Remonstrator.

DECLARATORY RESOLUTION NO. 296-1914.

For the widening of Alexander Street from Pontiac Street to Eckart Street, also for the opening of an alley between Alexander Street and from the south line of Huestis and Taylors Sub. to Eckart Street. <sup>and
abbott
Street</sup>

Resolved by the Board of Public Works of the city of Fort Wayne, Indiana, that it is desired and deemed necessary to widen Alexander Street from Pontiac Street to Eckart Street. Said widening as herein described to be made by condemning and appropriating for street purposes the west part of lots numbered from 84 to 98 both inclusive, of Huestis and Taylors Subdivision of Abbotts Out Lots, the west part of Abbotts Out Lots Numbered from 58 to 67 both inclusive, also for the opening of an alley ten (10) feet in width through and across lots numbered 58 to 67 both inclusive.

All as shown by a plan of such proposed widening of Alexander Street and alley opening as above described now on file in the office of the Department of Public Works of said city.

The property which may be injuriously or beneficially affected by the widening of Alexander Street and the opening of the alley as above described is described as all lots and lands not occupied by streets and alleys lying East of a line that is 130 feet west of Alexander Street, ~~and~~ south of Pontiac Street, West of Abbott Street and North of South City limits line.

All of the above described streets and alleys and lots and lands affected by the above described widening of Alexander Street and alley opening being situated in the North West $\frac{1}{4}$ Section 18, Township 30 North, Range 13 East and within the corporate limits of the city of Fort Wayne, Indiana.

Adopted this 1st day of October 1914.

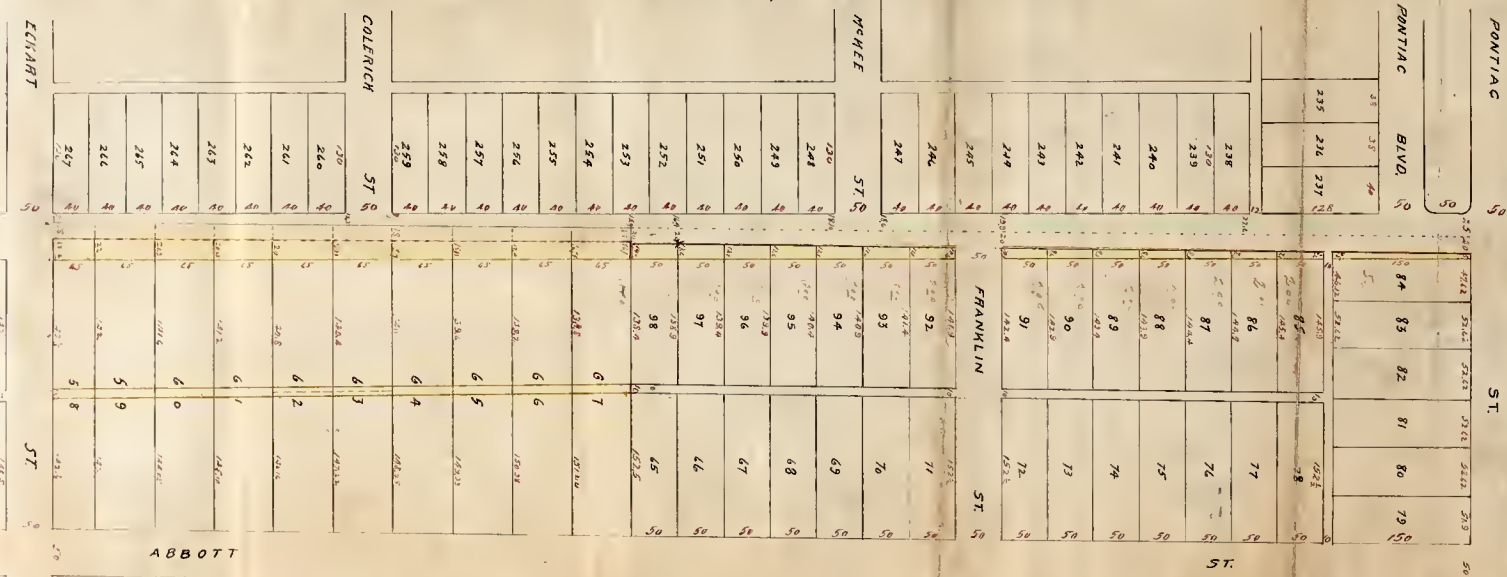
Paul E. Higgins
Robert E. Kelly

BOARD OF PUBLIC WORKS.

Attest: *H. W. Becker*
CLERK.

277-61

PLAN OF THE WIDENING OF ALEXANDER STREET FROM
PONTIAC ST. TO ECHART ST.
ALSO
FOR THE OPENING OF AN ALLEY BET. ALEXANDER ST. AND ABBOTT STREET
FROM THE SOUTH LINE OF HULSTIS & TAYLOR'S SUB. TO ECHART ST.
DEC. RES. No 296 1914



Fort Wayne, Indiana. Sept. 10, 1914.

Mr. F. M. Randall,
City Civil Engineer,
Dear Sir:-

You are hereby directed to prepare a plat showing the proposed opening of the alley between Alexander Avenue and Abbott Street from Eckert Street to Franklin Street and the widening of Alexander Avenue from Eckert Street to Pontiac Street.

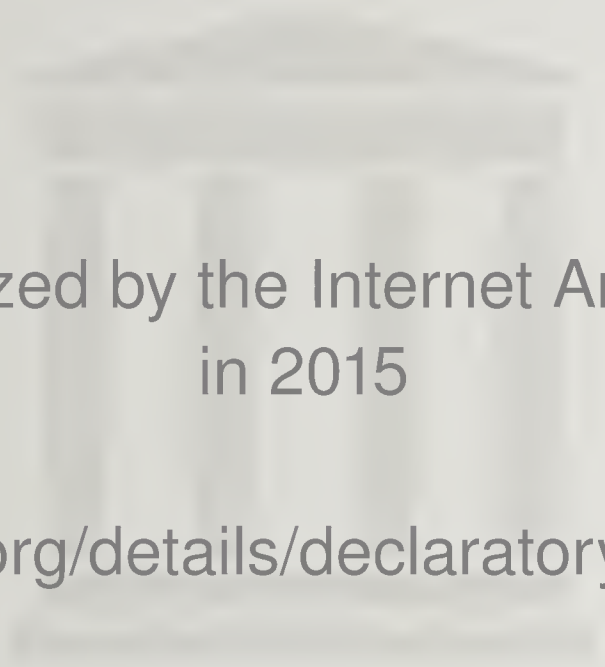
Respectfully yours,

BOARD OF PUBLIC WORKS,

By N. W. Becker
CLERK.

176, 00	Damage
20, 00	Other
196, 00	(Total)

Ally 13, 000 T. Damage - 2, 000



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JOS. M. HALEY

LAWYER

201-202-203-204 SHOFF BUILDING

PHONE 40

Defiance, Ohio. Dec. 26, 1914.
~~Box 1111111111~~

Hon. Board of Public Works,
City Hall,

Fort Wayne, Ind.

Gentlemen;-

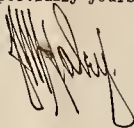
Owing to my absence from your city it will be impossible to present argument on behalf of Pontiac Place Co. on remonstrance filed by the company against the widening of Alexander street etc.

Under the circumstances I would respectfully request a continuance of the hearing until your regular meeting on January 7th. next.

Trusting the Board will not be put to any inconvenience by so doing, I remain,

Respectfully yours,

401 Jefferson St.
Defiance, Ohio.



After 5 days, return to
JOS. M. HALEY,
Sheaff Bldg.,
FORT WAYNE, IND.



Board Of Public Works,

Fort Wayne,

Indiana.

City Hall.

STATE OF INDIANA

ALLEN COUNTY

S.S.

Department of Public Works,
City of Fort Wayne, Ind.

In the matter of the widening
of Alexander Street and the
opening of an alley between
Alexander and Abbott Streets,
as per resolution No.296.

Remonstrance of Pontiac
Place Company, et al.

Comes now Pontiac Place Company, a corporation,
and shows to this Honorable Board of Public Works that said com-
pany is the owner of the following described real estate in the
city of Fort Wayne, Allen County, Indiana, to wit;

Lots Numbered 238, 239,240, 241,242,243,244,245,
246, 247, 248, 249,250,251,252,253,259,260,261,262,263,264,266,
266, 267, in Pontiac Place, an addition to the city of Fort Wayne,
as per recorded plat thereof.

Also the West 18 feet of lots Number 60 and 61
in Abbotts Out Lots as per recorded plat thereof; also the West
18 feet of Lots Numbered 62,63,64, 65, 66,67, all in Abbotts Out
Lots to the city of Fort Wayne, as per recorded plat thereof; also
all of Lot Number 57 and the South 20 feet of Lot Number 58 and the
West 18 feet of the North 45 feet of said lot Number 58 and the
West 18 feet of Lot Number 59 all in Abbotta Out Lots to the city
of Fort Wayne as per recorded plat thereof; all of which said
described real estate together with other real estate, is affected
by the resolution in the above entitled matter.

That said Pontiac Place Company does hereby
respectfully remonstrate against said proposed improvement and
the assessments of benefits and damages made therefor for the
following reasons to wit;

1. That said resolution is not according to law for the reason that two separate and distinct improvements are proposed thereunder which are entirely foreign to each other and located in different parts of said city.

2. That this remonstrator is assessed for benefits for the opening of an alley which is in no way abutting on his property and for the cost of which it is in no way liable.

3. That no legal notice was served on this remonstrator.

4. That ~~the~~ the Board of Public Works has no legal authority to order or establish said proposed improvements. That there has not been prepared and filed by the engineer of said Board or City a plan, profile nor estimate of the probable cost of said proposed improvements.

5. That the assessments against the several tracts of land owned by this remonstrator are excessive.

6. That the total cost of said proposed improvements will exceed the benefits accruing therefrom, and that the assessments of the lands of this remonstrator are excessive as compared with each and every lot in Abbotts addition to the city of Fort Wayne, as per recorded plat thereof, and all other lots or parcels of ground assessed therein for benefits or allowed damages therefor.

7. That all the lands affected by said proposed improvements are not included in the assessments for benefits and damages.

8. That said proposed improvements will not be of public utility.

9. That this remonstrator has been allowed no damages whatever for lands owned by it and over which it is proposed to widen said Alexander street, while lands not abutting on said street as proposed, have been allowed a large amount of damages.

10. That this remonstrator has already expended large sums of money in grading and improving his lands as above described and which improvements are a part of the work proposed in said resolution for said improvements and for which this remonstrator has received no allowance or credit on its assessments, nor been awarded any damages to compensate for the moneys thus expended.

11. That this remonstrator has expended large sums of money to wit more than \$700.00 for the purchase of real estate which is to be used for the street proposed under said improvement resolution and for which this remonstrator has in no way been paid or allowed damages in any sum whatever.

Wherefore this remonstrator prays that said improvements be not made, that said resolution be rescinded, that said assessment roll be declared null and void and for all other just and proper relief.

Pontiac Place Company,

By Wallace E. Doud Pres.

Charles T. Offner Secy.

STATE OF INDIANA

S.S.

ALLEN COUNTY

Wallace E. Doud being duly sworn upon his oath says that he is the duly elected and acting president of Pontiac Place Company, a corporation, and that the matters and facts set out in the above and foregoing remonstrance are true to the best of his knowledge and belief. That he makes this affidavit on behalf of the said corporation and is authorized so to do.

Wallace E. Doud

Subscribed and sworn to before me this 21 day of December 1914.

Edward A. Myers
Notary Public.

Commission expires Oct 2, 1915

PETITION

Fort Wayne, Aug 5 1914.

TO THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE:

Gentlemen:

The undersigned, owners of real

estate On Alexandor Ave And Abbott St,
From Pontiac to Eckert St, from

respectfully petition for the passage of a resolution providing for

Opening of
 The ~~St~~ the Alley, between Alexander Ave And Abbott St, beginning
 At Eckert St, then Northward to ~~Pontiac~~ ^{Alexander} St, A distance of ~~three~~ ^{two} blocks
 This Alley is now already vacated south of Eckert St, between these two
 streets.

Also for the widening of Alexander Ave, from Eckert St, then Northward
 to Pontiac St, to the width of 50 feet to make it uniform with the
 balance of this street, which is already 50 feet, the three squares
 we are asking to have widened is now only 20 feet, and by widening this
 three blocks it makes the street uniform 50 feet according to plat.

in Fort Wayne

Edward Firdler

Andrew J. Gruber

Wm. H. Wefel

Engineer reports the above request feasible

on for Passage

of a Resolution for

the Alley between Alexander

Abbott Street from Eckert St.

Klein Street and under

the Alley

Karl Street

to the Board of Public Works

6th 1914

I to City Engineer

ordered Sept 10th 1914

A. Gullmann. Printers

To the Board of Public Works of the City of Fort Wayne:

Fort Wayne,

Aug - 8th

1914

Gentlemen:

The undersigned, owners of real

estate fronting on *Abbott St*

Franklin St

to

Eckert St

respectfully remonstrate against the passage of a resolution providing for

opening alley between Alexander St & Abbott St.

opening alley

Anna S. Winkler.

Charles Winkler.

Jennie Siegmund Johnston.

David Johnston.

Hilda Winkler.

John M. Brothman

John H. Rhine

Laura A. Rhine

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

6

11

1000

Medication
Naratory Re. Initial

No. 296

Widening Alexander Street
from Education Dept
to East Street

Plat approved Oct 1st 1914

Resolution adopted Oct 1st 1914

Resolution adopted Oct 22nd 1914

Cont. Roll approved Dec 7th 1914

Resolution approved Jan. 7th 1915

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